

AS

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/655,223	SCOTT ET AL	
	Examiner Steven L. Weinstein	Art Unit 1761	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed 11/19/03.
2.  The allowed claim(s) is/are 31,27,28,29, and 30 renumbered claims 1-5, respectively.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

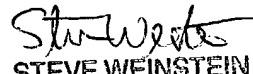
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 2/27/04.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

  
STEVE WEINSTEIN  
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

In a telephone conversation with Mr. Hines on 2/27/04, the following changes were agreed upon, which changes placed the application in condition for allowance:

Claim 26 has been cancelled and new claim 31 substituted therefore:

--31. A method of packaging foodstuffs having a liquid element and a solid element, said liquid element comprising dissolved gases, the method comprising the steps of:

    placing said liquid element in a first container, said first container having a volume of at least twice the volume of said liquid element;

    placing said first container, containing said liquid element, in a cavity of a vacuum packer;

    evacuating said cavity containing said first container with said liquid element therein by means of a vacuum pump to remove a substantial proportion of the dissolved gases from the liquid element;

    combining said evacuated, degassed liquid element with said solid element of the foodstuff in a second container for a vacuum packing process; and

    vacuum packing the combined liquid element and solid element in said second container;

    wherein no heat is applied to the liquid element during the packaging process.--

In claims 27-30, line 1, "26" has been changed to read -- 31 --;

The title has bee changed to read --Method For Vacuum Packaging Liquid  
Containing Foodstuff--

*Steve Weinstein*  
STEVE WEINSTEIN  
PRIMARY EXAMINER 1761  
2/27/04